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20 Q. Earlier you mentioned that you,
21 and correct me if I'm wrong, that you have
22 met President Trump before during a
23 transition meeting; is that correct?
24 A. No, that's totally incorrect.
25 That's not right at all. So I never met

REDACTED

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1 the President in a transition meeting. I
2 met the President in a meeting.
3 I think your colleague asked if
4 I participated in the meeting, and I think
5 what I told him is that I was sitting in
6 the room, but I did not have a speaking
7 role, so I don't know if you lawyers
8 consider that participating or not.

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4 A. I was with him -- I was with
5 him at his hearing, and then after his
6 hearing he went to have a meeting with the
7 transition team, and I just went with him.

8 Q. Who was at the transition
9 meeting?

10 A. I won't remember everybody.
11 There was Marc Neumann, there was Lilly
12 Gaynor, Earl Comstock, I believe Eric
13 Branstad was there.

14 Let me see. There were other
15 people there, but I don't know -- I didn't
16 know who they were. And you should be
17 reminded this is well over a year and a
18 half ago.

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20 **REDACTED**
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12 Q. Have you spoken with Stephen
13 Bannon before?
14 A. I believe I testified that I
15 have.
16 Q. How many times?
17 A. I'm guessing, maybe three,
18 tops.
19 Q. When?
20 A. I mean, I don't know. I mean,
21 I'm sure at some point I saw him in the
22 White House and I said hello. I don't know
23 if he said hi back to me, so I don't know
24 if that is actually a conversation or not.
25 And then he rode on the same

REDACTED

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1 plane back from Saudi Arabia as we did, but
2 I didn't really talk to him because you
3 can't hear anybody on those planes.

4 Q. You said it was three, tops.

5 Do you remember the third time?

6 A. No. I mean, I'm guessing.

7 Q. So have you ever had a
8 substantive conversation with him about
9 anything?

10 A. No. I don't think he knows who
11 I am or what my name is.

12 Q. Does Secretary Ross speak to
13 Stephen Bannon, maybe not anymore, but in
14 2017?

15 MS. WELLS: I object to the
16 form.

17 A. I don't know.

18 Q. Are you aware that they ever
19 spoke?

20 A. I'm sure there were
21 pleasantries. If there was more discussion
22 beyond that, I don't know.

23 Q. Is there anyone at the
24 Department of Commerce that you are aware
25 that has had conversations with Stephen

REDACTED

1 Bannon?

2 A. I have no way -- I have no way
3 of knowing.

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5 REDACTED

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23 Q. How often does Secretary Ross

24 go to the White House?

25 A. All the time.

REDACTED

1 Q. Are you aware of him having
2 meetings there regarding the census?

3 A. No.

4 Q. Not --

5 A. Not to my knowledge.

6 Q. What topics are you aware that
7 he discusses when he goes to the White
8 House?

9 A. Well, you mean topics or
10 meetings?

11 Q. Well, what is discussed during
12 these meetings as far as you're aware?

13 A. I'm not always there, so I
14 don't know.

15 Q. When you are there.

16 A. He will go there for trade
17 meetings, and I'm a part of some of those.
18 I have never heard census mentioned once in
19 a single trade meeting the entire time I've
20 been there.

21 And he will go for other
22 meetings that I'm not a part of. So I
23 don't know what's discussed at the meetings
24 that I'm not a part of.

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5 Q. Can you tell me about what your
6 responsibilities were when you joined just
7 as a senior advisor?

8 A. Well, remember, in the
9 beginning, and I thought it was February
10 28th, I will have to look, I should know
11 that. I'm pretty sure it was February
12 28th.

13 Q. I will take your word on that.

14 A. You know, I have never worked
15 in the government and I don't believe he
16 has ever worked in the government, so when
17 I officially started, you know, in the
18 beginning, it was, one, just trying to
19 understand how the departments are run.

20 If you have never worked --
21 have you ever worked for a government?

22 Q. I have, but I'm generally not
23 going to answer questions, but I will
24 answer that one. I have.

25 A. So I will just say to someone

Pl. Objection -
401 / 611(a) -
nonresponsive

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1 like me, who had never worked in the
 2 government, trying to explain to somebody
 3 who has never worked in the government, it
 4 is very hard. There is a different
 5 language that you speak. Just the way that
 6 things are run is very different than the
 7 way that we had run things on the private
 8 side.

Pl.
 objection -
 401/611(a)
 - non
 responsive

9 So it was understanding, you
 10 know, how the department works, how the
 11 departments, not only the Commerce
 12 Department, but how Commerce interacts with
 13 Treasury and USTR and Energy and
 14 Transportation, and I'm sure for every
 15 administration, it is different, but for us
 16 it was just trying to understand how that
 17 works, interacting with the White House,
 18 learning about the different bureaus, how
 19 the different bureaus work, the budgeting.

20 You know, Commerce has 47,000
 21 people. I don't think people realize the
 22 magnitude of what Commerce has. Commerce
 23 has historically, from what I have been
 24 told, has been a department that when
 25 administrations aren't sure where to put

REDACTED

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1 something, they have sort of stuck it in
 2 Commerce, and so that's why you have, and
 3 this is what I talked a little bit about in
 4 the beginning, when you look at the range
 5 of the different things that are in
 6 Commerce, that Commerce oversees, it's a
 7 huge range.

Pl. objection -
401/611(a) -
nonresponsive

8 So you have NOAA, which is the
 9 lion's share of the Commerce Department,
 10 and NOAA has to do with the fisheries, they
 11 deal with the satellite launches, they deal
 12 with the weather. I mean, it's huge. So
 13 that's NOAA.

14 You have Patents, and that's a
 15 huge thing. This year, the Patent Office
 16 just signed their 10 millionth patent,
 17 which was a huge thing for them. You
 18 obviously have Census as well.

19 And then, don't forget, you
 20 have two other things, which if anybody
 21 reads the news, you will see has been very
 22 active in this administration, and that is,
 23 you know, ITA, which is the trade, so a lot
 24 of the trade discussions and dialogues, you
 25 know, that's through ITA, and then you also

REDACTED

1 have, you know, BIS, which does a lot of
2 the 232 tariffs on steel and aluminum.
3 So, you know, trying to get
4 your arms around just situationally what is
5 going on, that I would say in the beginning
6 was really where I tried to focus some of
7 my time, plus, you know, there was a
8 transition team, and this is all language
9 which, if you have worked in the
10 government, then you know, this was new
11 language to me, you have the transition
12 team and then you have a landing team.

Pl. objection -
401/611(a) -
nonresponsive

13 So these are all concepts that
14 were completely foreign to me. So those
15 are the types of things in the beginning
16 that I worked on.

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Q. Forgive me if I'm paraphrasing wrong, and correct me if I am, but I think one of the things you said this morning is that you were copied on a lot of e-mails in order to gain situational awareness; is that fair?

A. Something like that, just aware.

Q. What do you mean by situational awareness?

A. Here is something, just I'm emailing it to the Secretary and you are copied on it.

Q. Does it mean you are aware of the people who are working on a particular issue?

REDACTED

1 A. It depends if I read it or not.
2 Q. Are you copied on these to gain
3 awareness with the expectation that you
4 will read them?

5 A. I don't know. I mean, you
6 know, it is a very good question, because
7 sometimes people copy me on e-mails that
8 are totally irrelevant to me and have
9 nothing to do with anything that I deem of
10 utmost urgency, and sometimes they forget
11 to copy me on things that I would have
12 thought I would have been copied on.

13 So I wish I could answer that.
14 I don't know, when people copy me, what
15 makes them decide whether a particular
16 e-mail is something that I should be on or
17 not.

18 Q. Would you say that you were
19 situationally aware of who was working on
20 the decision to add a citizenship question
21 to the 2020 census?

22 MS. WELLS: I object to form.
23 A. No. I would say that I was
24 aware of who was working on census.

25 Q. Did you make any distinction

REDACTED

1 between working on census and working on
2 the citizenship question?

3 A. No.

4 Q. And who was working on census?

5 A. Karen Dunn Kelley and Earl
6 Comstock were the main people within the
7 immediate.

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Q. Forgive me again also if I'm
paraphrasing, but I think this is something
you said this morning, that you're not
generally involved in census because of the
scientific and technical nature of census;

REDACTED

1 is that a fair summary of your testimony?
2 A. Yeah. I mean, the census, I
3 mean, the analysis and the people who work
4 there, I mean, this stuff is very
5 technical, and I don't have the background
6 for that.

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4 Q. Who was ultimately responsible
5 for the decision?

6 A. I believe it would be the
7 Secretary, but I'm not a lawyer, so if
8 there is some other --

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Q. This is Bates number 3694.
This is an April 20th, 2017 e-mail. It is
quite short.

A. Okay. So this is basically a year and a half ago?

Q. Yeah.

A. Would you like me to read it, sir?

Q. I have a question about the subject line first, and I will ask it, and then you can talk about the subject line and then talk about the thing.

A. Okay.

Q. This appears to me to be from Brooke Alexander, trying to send an e-mail from Secretary Ross' e-mail and doing it herself; is that what you understand from that subject line?

A. Let me read it, sir.

(Witness perusing document.)

A Okay

Q. Can Brooke Alexander send e-mails from the Secretary's e-mail

REDACTED

1 ordinarily?

2 A. Well, Brooke Alexander is no
3 longer there.

4 Q. Could she when she was?

5 A. Well, it says right here she
6 couldn't, so I don't know.

7 Q. Are you aware of anyone having
8 the ability to send e-mails from the
9 Secretary's e-mail account?

10 A. The best person to ask is our
11 IT person. I suppose somebody could send
12 an e-mail from his phone.

13 Q. Simply by holding his phone and
14 logging in as him?

15 A. Yeah. I mean, you could send
16 an e-mail from his phone.

17 Q. Is it your understanding that
18 people ever did send e-mails under the
19 Secretary's e-mail account?

20 A. I don't know. I mean, I would
21 be -- I would be surprised if somebody
22 would send something from his e-mail
23 account.

24 Q. And remind us of Brooke
25 Alexander's title at this point, as best

REDACTED

1 you recall, or her position in general.
2 A. I mean, in the private world, I
3 would say she was a secretary. In the
4 government world, I don't even actually
5 know. They call them -- they are not --
6 it's not an executive assistant, but it is
7 not an assistant. So I don't know what her
8 title was.

9 Q. And on the body of the e-mail,
10 this says "we," underlined, "must get our
11 issue resolved before this."

12 What is "our issue"?

13 A. I have no idea.

14 Q. You understood Earl Comstock to
15 work on the potential addition of a
16 citizenship question to the 2020 census?

17 MS. WELLS: I object to form.

18 A. I would say Earl worked on
19 census.

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16 Q. Is it standard practice for
17 Commerce to review and approve
18 Congressional statements by chiefs of the
19 bureaus?
20 A. Yes.
21 Q. And do you do that review?
22 A. No.
23 Q. Who does that review?
24 A. Normally Earl reviews it. I
25 can't imagine general counsel not. The

REDACTED

1 lawyers, they like to review everything.
2 And then I believe that also the Leg
3 Affairs Office reviews those types of
4 things as well.

5 Q. And what is the purpose of that
6 review?

7 A. To, I mean, my understanding is
8 to have -- one is to be aware of what the
9 bureau chiefs, or whomever is testifying,
10 what they are testifying, and, two, to make
11 sure that it is consistent with the
12 Secretary's views.

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23 A. So Eric Branstad, and this is
24 when I testified earlier, I don't remember
25 if he was -- his title was either White

1 **REDACTED**

1 House liaison or senior White House
2 advisor, but he was a Commerce employee who
3 was supposed to be interacting with the
4 White House more than some of the others.

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20 Were you present for any
21 conversations regarding a March 2017
22 deadline for submitting topics to the
23 census?
24 A. Not that I remember.
25 Q. Were you present for any

REDACTED

1 conversations regarding a March 2018
2 deadline for submitting questions on the
3 census to Congress?

4 A. Not that I remember.

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17 Q. And did Secretary Ross have any
18 conversations with John Thompson regarding
19 the March 2017 deadline for submitting
20 census topics to Congress?

21 A. I have no idea.

22 Q. Who would know?

23 A. Wilbur Ross.

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Looking at the May 2nd e-mail

from Ross to Comstock, copying Ellen Herbst, I understand you're not on that original e-mail, the sentence "Worst of all, they emphasize that they have settled with Congress on the questions to be

REDACTED

REDACTED

1 asked."

2 Do you know who Secretary Ross
3 means when he says "they"?

4 A. I have no idea.

5 Q. And who would know?

6 A. Wilbur Ross.

7 Q. And in the e-mail that you
8 write above, in this e-mail, are you
9 providing any information to Wilbur Ross to
10 assist him in arriving at his decision to
11 add the citizenship question to the 2020
12 census looking at just what you wrote?

13 MS. WELLS: I object to the
14 form.

15 A. What I wrote is "I continue to
16 talk frequently with Marc Neumann and we
17 often have dinner together. He will not
18 leave les, but is in love with the census
19 and talks about it nonstop. Do you want me
20 to set up another meeting? Let me know if
21 you want to have a drink or get together
22 with him over the weekend. Wendy."

23 I don't see anything in there
24 about the citizenship question.

25 Q. In fact, you have t stified

REDACTED

1 that on no occasion did you provide Ross
2 information that you drafted that was
3 helping him with his decision?
4 A. I think I testified that I
5 never created any documents related to
6 that.

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23 Q. Let's mark this next one. This
24 is going to be Teramoto Exhibit 17.
25 What does this look like?

REDACTED

1 A. It looks like an e-mail chain.

2 Q. Okay. From whom to whom?

3 A. It looks like from James to
4 people. I don't know who James sent it to.

5 And then I'm on it, from myself
6 to James, Karen Dunn Kelley, Mike Walsh and
7 Earl Comstock, and then there is an e-mail
8 back from James to me.

9 Q. And you're asking if he sent
10 these quotes before. "Did you already send
11 this to a reporter?"

12 A. I said to him, "Did you already
13 send this to reporter?"

14 Q. Do you typically approve
15 communications from the Public Information
16 Office to reporters?

17 A. Well, "approve" is a different
18 word. I, on occasion, may have comments.

19 Q. Do you typically review draft
20 statements to reporters from the Public
21 Information Office?

22 A. It depends. I haven't reviewed
23 this.

24 Q. We will in just a second. I
25 want to ask you questions about process, if

REDACTED

1 you don't mind.

2 A. Sure.

3 Q. Is it typical for the Public
4 Information Office to send you drafts of
5 what they are planning to send to
6 reporters?

7 A. They will generally copy me on
8 it, depending on what it is, not always,
9 and they will send it to a group for
10 comment.

11 Q. And does it matter whether the
12 issue is more or less important as to
13 whether you will be copied before or after
14 it is sent to the reporter?

15 MS. WELLS: I object to the
16 form.

17 A. I have no idea how they decide
18 when they start to include me in these
19 things.

20 Q. And how often do you have
21 comments back to the Public Information
22 Office when you get comments from --

23 A. Rarely, because it's not my
24 expertise.

25 Q. So when you do respond to the

REDACTED

1 Public Information Office on a draft to a
2 reporter, it's not particularly common; is
3 that correct?

4 A. No, I didn't say that. It just
5 depends.

6 Q. What does it depend on?

7 A. It depends, A, if I read it, B,
8 where it is in the system, C, if anything
9 pops out at me.

10 Q. I guess I would like you to
11 review this, but I want you to review this
12 with the question in mind as to whether you
13 see anything in here that is relevant to
14 the decision to add a citizenship question
15 to the 2020 census.

16 So just review it with that in
17 mind and tell me if you find anything.

18 A. So you want me to read this?
19 Because I don't remember having read this
20 before.

21 Q. Okay. Then let's ask this
22 question:

23 Why would you ask him if he had
24 already sent it to the reporter without
25 reading it?

REDACTED

1 A. I'm wondering if he already
2 sent it without getting comments from
3 people.

4 Q. Do you believe you did read
5 this at any point?

6 A. No. I mean, I might have
7 skimmed it, but I've got to tell you, an
8 e-mail this long, I wouldn't read.

9 Q. What would you skim it for?

10 A. Anything that pops out. But I
11 don't remember reading this. If you would
12 like me to, I'm happy to read it now.

13 Q. If you are representing that
14 you didn't read it at the time, I'm --

15 A. I'm saying I don't remember
16 reading it. I don't believe I have read
17 it, but I'm happy to read it now if you
18 would like me to.

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17 Q. We are on No. 20. This is an
18 e-mail stamped 2525. It is blissfully
19 short, so I think you can review it in full
20 before I ask you questions about it.
21 Let me know when you're ready.
22 (Witness perusing document.)
23 A. Okay.
24 Q. The subject is Census, and the
25 e-mail is "Please arrange a quick update

REDACTED

1 for me tomorrow a.m."

2 What steps would you take to

3 arrange for a quick update for the

4 Secretary on census issues?

5 A. So, first, I don't remember

6 specifically what I did here.

7 My best guess, if that's okay

8 with you, sir --

Pl. Objection -
602 / speculation

9 Q. Sure.

10 A. -- is I would have forwarded

11 that e-mail to Karen and Earl and said

12 "here."

13 Q. Would you have contacted anyone

14 else?

15 A. Maybe I would have CC'd the

16 scheduler and his assistant just so they

17 have this situational awareness that he is

18 asking for it, but no.

19 Q. Would you contact anyone at

20 Census?

21 A. No.

22 Q. Would you contact anyone at

23 DOJ?

24 A. No.

25 Q. Would you contact anyone at the

REDACTED

1 White House?

2 A. No.

3 Q. And is this the sort of thing
4 that is typical of your position regarding
5 other issues, arranging for Ross to meet
6 and speak with Commerce Department --

7 A. It depends. I mean, my guess
8 is that something was on his mind on
9 census, and he thought, oh, here, Wendy, do
10 this. But he could have just of easily
11 sent that exact same e-mail to Karen or
12 Earl.

Pl. Objection -
602 / speculation

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Page 232

1 Q. Do you recall this e-mail at
2 all?

3 A. No.

4 Q. Did you take any action when
5 you got this e-mail?

6 A. Not that I can remember.

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Page 244

1 CERTIFICATION
2

3 I, TODD DeSIMONE, a Notary Public for
4 and within the State of New York, do hereby
5 certify:

6 That the witness whose testimony as
7 herein set forth, was duly sworn by me; and
8 that the within transcript is a true record
9 of the testimony given by said witness.

10 I further certify that I am not related
11 to any of the parties to this action by
12 blood or marriage, and that I am in no way
13 interested in the outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 24th day of August, 2018.

16 
17

18 -----
19 TODD DESIMONE
20 * * *

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1 New York Immigration Coalition v. US Dept. of Commerce

2 Wendy Teramoto

3 INSTRUCTIONS TO THE WITNESS

4 Please read your deposition over
5 carefully and make any necessary corrections.

6 You should state the reason in the
7 appropriate space on the errata sheet for any
8 corrections that are made.

9 After doing so, please sign the errata
10 sheet and date it.

11 You are signing same subject to the
12 changes you have noted on the errata sheet,
13 which will be attached to your deposition.

14 It is imperative that you return the
15 original errata sheet to the deposing
16 attorney within thirty (30) days of receipt
17 of the deposition transcript by you. If you
18 fail to do so, the deposition transcript may
19 be deemed to be accurate and may be used in
20 court.

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1 New York Immigration Coalition v. US Dept. of Commerce

2 Wendy Teramoto

3 E R R A T A

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1 New York Immigration Coalition v. US Dept. of Commerce

2 Wendy Teramoto

3 ACKNOWLEDGMENT OF DEPONENT

4 I, _____, do
5 hereby certify that I have read the foregoing
6 pages and that the same is a correct
7 transcription of the answers given by
8 me to the questions therein propounded,
9 except for the corrections or changes in form
10 or substance, if any, noted in the attached
11 Errata Sheet.

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DATE

SIGNATURE

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[& - 2020]

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[added - apportionment]

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[appropriate - back]

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[walsh - witness]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

REDACTED

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

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